



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 12 अगस्त, 1972/21 श्रावण, 1894

GOVERNMENT OF HIMACHAL PRADESH

ELECTION DEPARTMENT

NOTIFICATION

Simla-4, the 11th August, 1972

No. 7-5/72-Elec.—In exercise of the powers conferred by section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following draft rules entitled as the Himachal Pradesh Gram Panchayat (Election) Rules, 1972, and the same are hereby published in the Official Gazette for the information of the general public and a notice is hereby given that these draft rules will be taken into consideration after 15 days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary to the Government of Himachal Pradesh, Election Department, before the expiry of the above period. The objections or suggestions, if any, so received, will be taken into consideration before finalizing these rules.

DRAFT RULES

PART I

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Gram Panchayat (Election) Rules, 1972.

(2) They shall come into force at once.

2. *Definitions.* (1)—In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Himachal Pradesh Panchayati Raj Act, 1968;

(b) “authorised officer” means any person authorised by the Deputy Commissioner for the purposes of these rules;

(c) “Constituency” means a ward for the representation of which a Panch is or has been elected under these rules;

(d) “Director of Elections (Local Bodies)” means any person who is appointed by the State Government to perform the functions of Director of Elections (Local Bodies) for the purposes of these rules;

(e) “Election Agent” means any person appointed in writing by a candidate at an election to be his Election Agent for the purposes of these rules with the written consent of such person;

(f) “election” means the election of a Panch including that of Pradhan or Up-Pradhan of a Gram Panchayat;

(g) “elector” means a person who is entered in the electoral roll for the State Legislative Assembly in force for the time being in relation to the Sabha area concerned;

(h) “electoral roll” means the electoral roll prepared by hand, typed or cyclostyled after splitting up the current Assembly electoral roll for a Constituency of the Gram Sabha and does not include the last part relating to Service Voters of the electoral roll of the Assembly Constituency;

(i) “form” means a form appended to these rules;

(j) “polling personnel” means the person or persons appointed to conduct or to assist in the conduct of election; and

(k) “Returning Officer” means an officer appointed for the conduct of election and includes the Assistant Returning Officer;

(2) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

PART II

DELIMITATION OF CONSTITUENCIES (WARDS) AND PREPARATION OF ELECTORAL ROLLS OF GRAM SABHA

3. *Delimitation of constituencies (Wards).*—As soon as the notification determining the number of members of the Gram Panchayat of a Gram Sabha under section 9(1) of the Act is issued, the Deputy Commissioner shall divide the Gram Sabha into constituencies on the basis of the number so determined:

Provided that before issuing the final order delimiting the constituencies, the Deputy Commissioner or any officer authorised by him shall hear objections, if any, in respect thereof, for which a public notice shall be given.

4. *Preparation of Electoral Rolls for Gram Sabha.*—The electoral roll of the Legislative Assembly for the time being in force pertaining to the Sabha area shall be split up into the constituencies as delimited under rule 3. Hand

written or typed or cyclostyled copies of the roll as required shall be prepared under the directions of the Deputy Commissioner.

5. *Inspection of Electoral Roll.*—Two copies of the electoral roll of all the constituencies of a Gram Sabha, duly authenticated by the Deputy Commissioner or any other person authorised by him in writing, shall be kept one at the office of the respective Gram Sabha for inspection of public and the other in the office of Deputy Commissioner for record, immediately after the date of issue of the notice of election programme and upto the date of poll. No fee for inspection of the electoral roll will be charged during this period from the public:

Provided that the electoral roll of all the constituencies of a Gram Sabha shall be available for inspection on any working day from 11 A.M. to 3 P.M. in the office of the respective Gram Sabha.

6. *Custody and disposal of papers.*—The copies of the constituency-wise electoral roll including the authenticated set of electoral roll of all the constituencies of a Gram Sabha referred to in rule 5, other than the copies of the electoral roll which have been used at the polling booth shall be kept in the custody of the Deputy Commissioner or any other person authorised by him for this purpose. These papers shall be retained till the electoral roll of Assembly Constituency is revised and will be disposed of under the orders of the Deputy Commissioner:

Provided that the authenticated constituency-wise electoral roll shall not be disposed of till all the election petitions of the respective Gram Sabha are finally decided.

PART III

ELECTION TO GRAM PANCHAYATS

7. *Symbols.*—The Director of Elections (Local Bodies) shall specify by notification in the Official Gazette, the symbols for allotment in the election:

Provided that no symbol which has been prescribed by the Election Commission of India shall be provided in the notification of symbols for election under these rules.

8. *Provision of Polling Stations.*—(1) The Deputy Commissioner shall provide one or more polling stations but not more than 3 for a Gram Sabha and each such polling station shall have separate polling booth for each constituency. A list specifying the constituencies along with the number of constituency-wise voters assigned to the polling booth shall be kept for free inspection of the public in the office of the respective Gram Sabha on any working day between the hours of 11 A.M. and 3 P.M. from the date of issue of Notice of election programme and upto the date of poll. No person other than the voters assigned to a particular polling booth shall be permitted to cast his vote at such a polling booth:

Provided that no polling station should be located in a police station, hospital, temple and a place having religious significance.

(2) The limit of the polling station shall be the place specified for the purpose and 100 metres radius around it.

9. *Appointment of Returning Officer and Assistant Returning Officer.*—The Deputy Commissioner shall appoint a Returning Officer for conduct of election in respect of all the constituencies of a Gram Sabha. The Deputy Commissioner shall also appoint one or more Assistant Returning Officers

who shall assist the Returning Officer in his duties in connection with the election. The Assistant Returning Officer may perform all or any of the duties of the Returning Officer:

Provided that nothing in this rule shall prevent the appointment of the same person as Returning/Assistant Returning Officer for more than one Gram Sabha:

Provided further that nothing in this rule shall prevent the same person to act as Presiding Officer.

10. Appointment of Presiding Officer and Polling Personnel.—(1) The Deputy Commissioner or any other officer authorised by him for this purpose, in writing, shall appoint one Presiding Officer and the required number of Polling Officers for various polling booths in each polling station of a Gram Sabha.

(2) If a person appointed to perform the duties of a Polling Officer at a polling booth is found absent or refuses to act or becomes incapable of acting, before or during the time of poll, the Presiding Officer shall appoint any other person available at the polling station to act as Polling Officer:

Provided that the Presiding Officer before appointing a person shall satisfy himself that such a person has no relation or connection with any of the contesting candidates.

(3) The Presiding Officer shall, in addition to performing duties imposed upon him by these rules, be in general charge of all arrangements at the polling booth and may issue orders as to the manner in which the persons shall be admitted to it and generally for the preservation of peace and order at or in the vicinity of the polling booth. It shall be the duty of each Polling Officer at a polling booth to assist the Presiding Officer in the performance of his functions.

11. Election programme.—(1) As soon as the Notification under section 49 of the Act, calling upon the Gram Sabha is issued by the Government, the Deputy Commissioner shall frame a programme for election in a Gram Sabha specifying the date, time and place for:—

- (i) the filing of nomination papers;
- (ii) the scrutiny of nomination papers;
- (iii) the withdrawal of candidatures;
- (iv) the list of contesting candidates to be affixed;
- (v) the poll to be held, which shall not be less than 6 hours;
- (vi) the counting of votes; and
- (vii) the declaration of result of election.

(2) The election programme, in Form I, shall be published not less than 10 days before the first date specified in the election programme by pasting a copy at the office of the Deputy Commissioner, Tehsil office, at the office of the Gram Sabha and at other conspicuous places as the Deputy Commissioner may think fit. Due publicity may also be given in any other manner considered appropriate by the Deputy Commissioner.

(3) The Deputy Commissioner may by an order amend, vary or modify the election programme at any time, provided that unless the Government directs otherwise, no such order shall invalidate any proceeding already taken before the date of order.

(4) The filing and scrutiny of nomination papers as also the withdrawal of candidatures shall be done in accordance with the programme notified by the Deputy Commissioner under sub-rule (1):

Provided that the nomination paper or withdrawal application shall be delivered on the day and hours fixed for the purpose:

Provided further that no nomination paper or notice of withdrawal shall be delivered on a public holiday or on any other day and time which is not specified in the election programme:

Provided also that no nomination paper or notice of withdrawal shall be delivered by any person other than the candidate or his proposer to the Returning Officer/Assistant Returning Officer.

12. Nomination of Candidates.—(1) Any person who is not disqualified under sub-section (5) of section 9 of the Act may be nominated as a candidate for election as Panch; provided that on the date, time and place fixed under rule 11, he or his proposer delivers in person to the Returning Officer/Assistant Returning Officer, nomination paper completed in the prescribed form.

(2) The nomination of each candidate shall be made on a separate nomination paper in Form II and must be signed by the proposer and subscribed by the candidate himself as assenting to the nomination:

Provided that a candidate shall not file more than 4 nomination papers for election in a constituency in the Gram Sabha:

Provided further that a candidate belonging to a Scheduled Caste/Scheduled Tribe shall furnish a declaration to the Returning Officer/Assistant Returning Officer of the particular caste or tribe to which he belongs.

13. Deposits, return and forfeiture of security.—(1) Each candidate nominated under the provision of rule 12 shall, at or before the time of delivery of his nomination paper, deposit or cause to be deposited a sum of Rs. 30 and in the case of a Scheduled Caste or Scheduled Tribe candidate, a sum of Rs. 15 with the Returning Officer/Assistant Returning Officer in cash and no candidate shall be deemed to be duly nominated unless such deposit has been made:

Provided that where a candidate has been nominated by more than one nomination paper for election in a constituency not more than one deposit shall be required from him under this rule.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him is less than one-sixth of the total number of valid votes polled in the constituency, the deposit shall be forfeited to the Government.

(3) (a) The deposit in the following cases shall, by an order in writing of the Returning Officer/Assistant Returning Officer, be returned to the candidate or where he is dead, to his legal representative:—

- (i) where the nomination paper of the candidate has been rejected; or
- (ii) where the candidate has withdrawn his candidature within the specified time; or
- (iii) where the candidate had died before the commencement of the poll.

(b) The deposit in the following cases will be returned by the Deputy Commissioner or any other officer authorised by him in writing, after the declaration of result of election:

- (i) where the candidate, though not elected, does not forfeit his deposit under sub-rule (2);
- (ii) where the candidate is elected.

(4) The Returning Officer/Assistant Returning Officer, immediately after the date of withdrawal, shall deposit or caused to be deposited with the Deputy Commissioner or any other officer authorized by him for this purpose, the amount received by him as securities along with an account showing the candidate-wise details of total securities deposited with him, amount refunded after withdrawal of candidatures and the balance unclaimed:

Provided that in case of un-claimed securities the refund shall be permitted by the Deputy Commissioner or person authorised by him, on an application made to him by the candidate, supported by the original receipt issued by the Returning Officer/Assistant Returning Officer.

14. Scrutiny of nomination papers.—(1) The Returning Officer/Assistant Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections if any, presented by the objectors in person to the eligibility of any candidate and decide these objections after such enquiry as he may consider necessary. The decision rejecting or accepting a nomination paper and a brief statement of reasons of rejection shall be endorsed on the nomination paper and signed by the Returning Officer/Assistant Returning Officer:

Provided that the Returning Officer/Assistant Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral roll; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(2) The person objecting under sub-rule (1) must be an elector of the Gram Sabha.

(3) The Returning Officer/Assistant Returning Officer shall reject the nomination paper on the following grounds:—

(i) If the nomination paper has not been signed by a proposer or the proposer was not an elector of the constituency, at the time of scrutiny of the nomination paper.

(ii) If the nomination paper is not assented by the candidate or the signature of the candidate is not genuine.

(iii) If the provisions of rules 11 to 13 of these rules have not been complied with:

Provided that no nomination paper will be rejected where the candidate has either left blank the column of electoral roll number or has recorded incorrect number therein. The Returning Officer/Assistant Returning Officer after being satisfied shall fill in or correct the number of the electoral roll in the nomination paper with reference to the electoral roll of the constituency:

Provided further that no person except the candidate, his proposer and one other person duly authorised in writing by the candidate shall be permitted by the Returning Officer/Assistant Returning Officer to attend the scrutiny of nomination papers on the date, place and time specified in the election programme.

Explanation.—For the purposes of these rules a person who is unable to write his name shall be deemed to have signed an instrument or any other paper if he has placed his thumb impression on such instrument or paper in the presence of the Returning Officer/Assistant Returning Officer. Such an officer on being satisfied as to his identity shall attest the thumb impression of that person.

15. Withdrawal of candidature.—(1) Any candidate may withdraw his nomination by a notice in writing in Form III, which shall be subscribed by him and delivered in person by the candidate or his proposer duly authorised by the candidate in writing to the Returning Officer/Assistant Returning Officer before the expiry of the time allowed for the withdrawal of candidatures.

(2) No person who has given a notice of withdrawal under sub-rule (1) shall be allowed to cancel the withdrawal.

16. List of contesting candidates and allotment of symbols.—(1) The Returning Officer/Assistant Returning Officer after the expiry of time fixed for withdrawal of candidature shall prepare the list of contesting candidates in Form IV in alphabetical order in "Hindi" in devnagari script showing the addresses of the contesting candidates as given in the nomination papers.

(2) After the list of contesting candidates is prepared and the number of candidates is more than the number of seats, for which election is to be held, the Returning Officer/Assistant Returning Officer shall allot one symbol according to the serial numbers in the list of contesting candidates, out of the approved symbols in accordance with the serial number of such symbols prescribed in the notification under rule 7. No candidate shall be given a choice to select his own symbol.

(3) Immediately, after the allotment of symbols to the contesting candidates, the Returning Officer/Assistant Returning Officer shall publish by posting a copy of such list in Form IV outside his office.

17. Declaration of result in uncontested elections.—If there is one contesting candidate in a constituency he shall be deemed to have been elected from that constituency and his declaration of result shall be made immediately after the time fixed for withdrawal of candidature, in Form V, a copy of which shall be pasted outside his office. In a case where for a constituency no nomination paper has been filed or no validly nominated candidate exists, the Deputy Commissioner shall prepare another election programme for that constituency under rule 11 for filling up the vacancies.

18. Death of candidate before poll.—If a contesting candidate dies and a report of his death is received by the Returning Officer/Assistant Returning Officer before the commencement of the poll, the Returning Officer/Assistant Returning Officer shall countermand the poll in the constituency and report the fact to the Deputy Commissioner and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered in the list of contesting candidates published under rule 16.

19. Method of Voting.—At every election where a poll is taken, voting shall be by secret ballot and under the balloting system of voting:

Provided that votes shall be cast in person and shall not be received by proxy.

20. Ballot Papers.—(1) Every ballot paper at an election shall be of such design as the Director of Elections (Local Bodies) may prescribe.

(2) The required number of ballot papers to each Presiding Officer appointed for a polling booth shall be supplied against proper receipt and a proper account of the ballot papers so issued shall be kept.

(3) The Presiding Officer shall keep an account of the ballot papers supplied to him for use at the polling booth in Form VI.

21. Material to be supplied at each Polling Station.—The Deputy Commissioner shall provide for each constituency at each polling station:

- (i) sufficient number of ballot boxes;
- (ii) constituency-wise required number of ballot papers;
- (iii) three copies of the electoral roll pertaining to the constituency;
- (iv) presiding officer's seal; and
- (v) other election material required at the polling station.

22. Type of ballot box.—A ballot box capable of being locked shall be used during election under these rules:

Provided that the Director of Elections (Local Bodies) may prescribe one or more types of the ballot box to be used at such election.

23. Appointment and revocation of election agents.—(1) A candidate may appoint any person as his election agent in writing with the consent of the person so appointed by him, to work on his behalf as his election agent during polling and counting of votes and shall give a notice of such appointment to the Returning Officer/Assistant Returning Officer or Presiding Officer as the case may be:

Provided that not more than one election agent for a constituency shall be appointed by the candidate:

Provided further that at the polling station or place of counting of votes either the candidate or his election agent can be present at a time.

(2) The candidate may revoke the appointment of his election agent at any time for which a notice in writing shall be given by him to the Returning Officer/Assistant Returning Officer or Presiding Officer, as the case may be.

24. Right to vote.—No person other than such persons whose names are for the time being entered in the electoral roll of the constituency shall be entitled to cast his vote at an election and no person shall vote more than once, notwithstanding that his name may have been entered in the electoral roll for the constituency more than once.

25. Procedure before commencement of Poll.—Immediately before the commencement of the poll, the Presiding Officer shall after writing the name of the candidate on the symbol allotted to him, affix the same, both inside and outside the ballot box and thereafter show the empty ballot box to such persons as may be present at the polling booth. He shall thereafter lock all the ballot boxes and affix his seal as well as the seals of candidates or their election agents desirous for doing so. The ballot boxes shall then be placed in the voting compartment side by side in the same order in which the names of the contesting candidates appear in the list prepared under rule 16 and in such manner that the front vertical side of each of the boxes bears a symbol assigned to the candidate to whom the ballot box has been allotted. The candidates or their election agents shall be allowed to see before the commencement of the poll that the boxes are placed in the proper order and no other receptacle or box besides the ballot boxes allotted to the candidates has been kept inside the voting compartment.

26. Commencement and close of Poll.—The poll shall commence and close at the time fixed for this purpose under rule 11:

Provided that all the electors present at the polling station before the close of the poll shall be entitled to cast their votes.

27. Admission to polling station.—The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling

booth and shall exclude therefrom all persons other than:—

- (a) Polling Officers;
- (b) candidates, their agents;
- (c) persons authorised by the Deputy Commissioner;
- (d) public servants on duty in connection with election;
- (e) a child in arms accompanying an elector, companion of blind or infirm elector who cannot move without help; and
- (f) Director of Elections (Local Bodies) or such other persons as may be authorised by him.

28. Voting procedure.—(1) As soon as the elector enters the polling booth, the Polling Officer in charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the electoral roll of the constituency by reading the same loudly so that the candidates or their agents may listen the particulars, and if there is no challenge as regard to the identity of the elector, the Presiding Officer in charge of the ballot papers shall supply a ballot paper to the elector. The Presiding Officer in charge of the ballot papers, shall at the time of delivery of the ballot paper, place against the entry relating to the elector the serial number of the ballot paper.

(2) No other person in the polling booth shall note down the serial number of the ballot paper issued to a particular elector.

(3) After receiving the ballot paper the elector shall enter the voting compartment where candidate-wise ballot boxes are placed and shall insert the ballot paper through the slit of the box provided for this purpose, in the box of the candidate for whom he wishes to vote and immediately after casting his vote will quit the voting compartment. No voter shall remain inside more than the time required to cast his vote.

29. Casting of Vote by Blind or Infirm Voters.—If, owing to blindness or other infirmity a voter is unable to recognise the name and symbol on a ballot box or is physically incapable of putting the ballot paper into a ballot box, the Presiding Officer shall enter the voting compartment with such voter, ascertain from him the candidate in whose favour he desires to vote and shall put the ballot paper in the ballot box of such candidate in accordance with the wishes of such elector. The Presiding Officer shall have this done with as much secrecy as is feasible in each case and shall keep a brief record of such instance without indicating the manner in which the vote has been cast.

30. Tendered votes.—(1) If a person representing himself to be a particular elector, asks for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be supplied with a ballot paper in Form VII (hereinafter in these rules referred to as a "tendered ballot paper").

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name/affix his thumb impression against the entry relating to him in a list in Form VIII.

(3) Such person shall thereafter record on the tendered ballot paper the name of the candidate for whom he wishes to vote, but if owing to illiteracy, blindness, physical infirmity or any other reason he is unable to make such record, the Presiding Officer shall do so in accordance with his wishes.

(4) The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy.

(5) Every such tendered ballot paper shall forthwith be placed in a cover specially kept for the purpose.

31. Challenged Votes.—Where the identity of a person intending to cast his vote has been challenged by the candidate or his agent, the Presiding Officer will make suitable enquiry and if he is satisfied with correctness of the fact of challenge he will not allow such person to cast his vote. The Presiding Officer shall in every case, whether or not the person challenged, is allowed to vote, make a note of the circumstances in the list of challenged votes in Form IX.

32. Spoilt and returned ballot papers.—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: Cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "Returned: Cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

33. Presiding Officer's entry into voting compartment during Poll.—The Presiding Officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the ballot boxes therein are not tampered or interfered within any way.

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with any ballot box or has remained inside the voting compartment unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule he shall permit the candidates or Agents present, to accompany him.

34. Disposal of Ballot Papers found wholly or partly outside ballot boxes.—(1) If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station or inside or outside the voting compartment, it shall be deemed to have been returned to the concerned Presiding Officer under sub-rule (2) of rule 32 and dealt with accordingly.

(2) If a ballot paper is found partly inserted into the ballot box of a candidate, it shall be presumed that the intention of the elector was to cast that vote for that candidate and the Presiding Officer shall accordingly push the ballot paper into the ballot box.

35. Sealing of Record.—The Presiding Officer, at the conclusion of the poll shall keep in separate cover, which shall be sealed, the following papers:—

- (1) marked copy of electoral roll;
- (2) other copies of electoral rolls;
- (3) list of tendered votes and used tendered ballot papers;
- (4) unused tendered ballot papers;
- (5) list of challenged votes;

- (6) ballot paper account;
- (7) unused ballot papers;
- (8) cancelled ballot papers including returned ballot papers; and
- (9) other miscellaneous record prepared by the Presiding Officer including appointment of agents etc., or as directed by the Director of Elections (Local Bodies).

36. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Returning Officer/Assistant Returning Officer shall announce an adjournment of the poll to a date to be notified later and shall forthwith send a report to the Deputy Commissioner.

(2) Where a poll is adjourned under sub-rule (1) the Deputy Commissioner shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which the poll will be taken and the votes cast at such election shall not be counted until such adjourned poll is completed.

(3) In every such case as aforesaid, the Deputy Commissioner shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2) at his office, Tehsil office, Gram Sabha and other conspicuous places as may be considered fit.

37. Fresh poll in the case of destruction etc. of ballot boxes.—(1) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of the Presiding Officer or Polling Officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed, lost or damaged, the polling at that polling station to which such ballot box or boxes relate shall be liable to be declared as void.

(2) Whenever the polling at any polling station becomes liable to be declared as void under sub-rule (1), the Presiding Officer shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, report the matter to the Deputy Commissioner, who in the event of his being so satisfied that in consequence thereof the result of the poll of that polling station cannot be ascertained, declare the election void and shall appoint a day for the taking of fresh poll in such or every such polling station and the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh poll has been completed.

(3) The provision of these rules shall apply to every such fresh poll as they apply to the original poll.

PART IV

COUNTING OF VOTES AND DECLARATION OF RESULTS

38. Procedure before commencement of counting.—In accordance with the date and time specified for the counting of votes in the election programme under rule 11, the Returning Officer/Assistant Returning Officer shall start the counting of votes under the rules provided hereinafter for the purpose.

39. Admission to the place of counting.—No other person except the following shall be allowed inside the place of counting:—

- (i) officers and staff who are required to assist the Returning Officer/Assistant Returning Officer during the counting of votes;

- (ii) persons authorised by the Director of Elections (Local Bodies) or the Deputy Commissioner;
- (iii) public servant on duty in connection with the elections; and
- (iv) candidates or their election agents:

Provided that any of the election agent may be required, by the Returning Officer/Assistant Returning Officer for his satisfaction, to produce before him the appointment letter made by the candidate under rule 23.

40. Procedure for counting of votes.—(1) The Returning Officer/Assistant Returning Officer before starting the counting shall arrange the ballot boxes in the same order as the names of the candidates appear in the list of contesting candidates and then act in the following manner:—

- (i) Take out the ballot box of the candidate according to their serial number and allow an opportunity to candidates or their election agents to inspect the ballot boxes and the seals to satisfy themselves that they are intact.
- (ii) After each ballot box is opened, the candidates or election agents who may be present shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper symbol inside the ballot box.
- (iii) If any question arises as to the candidate to whom a particular ballot box was allotted at the poll, the Returning Officer/Assistant Returning Officer shall decide such question by a reference to symbol inside the box.
- (iv) The ballot papers in each box will be taken out and the empty ballot box be shown to the candidates or election agents for their satisfaction that no ballot paper has been left in the box.
- (v) The ballot papers taken out of each box shall be arranged properly and scrutinized.

(2) The Returning Officer/Assistant Returning Officer shall reject a ballot paper:—

- (i) if it bears any mark or writing by which the elector can be identified, or
- (ii) if it is a spurious ballot paper, or
- (iii) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (iv) if it bears a serial number and design, different from the serial number and design authorized for use at the particular polling station:

Provided that where the Returning Officer/Assistant Returning Officer is satisfied that any such defect as is mentioned in clause (iv) has been caused by any mistake or failure on the part of the Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer/Assistant Returning Officer shall allow the candidates or election agents present, a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The Returning Officer/Assistant Returning Officer shall endorse on every ballot paper which he rejects the word “Rejected” and the grounds of rejection in brief in his own hand and shall initial the same.

(5) All ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(7) After the counting of all the votes of a candidate is completed, the Returning Officer/Assistant Returning Officer shall fill in Part II—Result of counting in Form VI against the name of the candidate.

(8) After completing the counting of votes of all candidates in the constituency, the Returning Officer/Assistant Returning Officer shall sign the ballot paper account.

41. Recount of Votes.—(1) The Returning Officer/Assistant Returning Officer after signing the ballot paper account shall announce the total number of votes polled by each candidate and pause for a while.

(2) After such announcement has been made a candidate or in his absence his election agent may apply in writing to the Returning Officer/Assistant Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer/Assistant Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or un-reasonable and the decision of the Returning Officer/Assistant Returning Officer in this behalf shall be in writing and contain the reason therefor.

(4) If the Returning Officer/Assistant Returning Officer decides under sub-rule (3) to allow an application either in whole or in part he shall count the ballot papers again in accordance with his decision; amend Part II of the ballot paper account, to the extent, if necessary, after such recount; and announce the amendment so made by him.

(5) The Returning Officer/Assistant Returning Officer shall thereafter complete and sign the declaration in Part III of the ballot paper account, no application for any recount shall be entertained thereafter.

42. Declaration of Result.—The Returning Officer/Assistant Returning Officer shall on the basis of the ballot paper account, fill in the declaration in Form V and declare elected the candidate who is found to have secured the largest number of valid votes. A copy of the declaration duly signed shall be sent to the Deputy Commissioner as soon as possible. One copy of the ballot paper account in Form VI duly signed shall be affixed conspicuously at the place of counting:

Provided that where an equality of votes is found to exist between any candidates and the addition of one vote will entitle a candidate to be declared elected, the Returning Officer/Assistant Returning Officer shall forthwith decide by lot and proceed as if the candidate on whom the lot falls, has received an additional vote.

43. Sealing of record after declaration.—(1) After the result is declared, the Returning Officer/Assistant Returning Officer shall keep candidate-wise valid and rejected ballot papers, and ballot paper account in separate packets outside which the particulars of such a document shall be recorded i.e. name or number of the constituency along with the name of the Gram Sabha, place and date of counting and shall be sealed with his seal. On each packet containing the valid and rejected ballot papers the name of the candidate concerned shall also be recorded:

Provided that the packet containing the valid and rejected ballot papers shall also be allowed to be sealed with the seal of candidates or election agents who may desire to do so.

(2) The Returning Officer/Assistant Returning Officer shall then place together all the packets made-up under sub-rule (1) in respect of each candidate containing valid and rejected ballot papers in one packet which shall be sealed by his seal or with the seal of candidates or election agents who may desire to do so. This packet shall contain the serial number and the name of the constituency, name of Gram Sabha, the names of the candidates and the place and date of counting.

44. Delivery of election papers.—The Returning Officer/Assistant Returning Officer shall after completion of election, deliver all record relating to elections of all the constituencies of a Gram Sabha to the Deputy Commissioner or any other person authorised by him in writing for this purpose.

45. Notification of election.—The Deputy Commissioner after receipt of declaration in Form V, shall notify the names of all the elected members from all the constituencies of the Gram Sabha.

PART V

CONVENING OF MEETING FOR ELECTION OF PRADHAN (CHAIRMAN) AND UP-PRADHAN (VICE-CHAIRMAN)

46. Convening of meeting and administration of oath.—As soon as the names of the elected members are notified, the Deputy Commissioner or any other officer authorised by him for this purpose shall convene under his chairmanship the meeting and shall administer oath/affirmation to the elected members as required under section 10(1) of the Himachal Pradesh Panchayati Raj Act, 1968:

Provided that no such meeting shall be held unless not less than 48 hours notice for holding such a meeting has been given to all the elected members by its delivery at their ordinary place of residence and such a notice shall specify the place, date and time for holding such a meeting:

Provided further that if any elected member has not been administered the oath/affirmation in the above meeting owing to his absence, such a member shall enter upon his office as Panch only after an oath/affirmation is administered to him by the Pradhan or in his absence Up-Pradhan in the subsequent meeting of the Gram Panchayat.

47. Election of Pradhan and Up-Pradhan.—After the oath/affirmation under rule 46 has been administered and two third majority of the elected Panches exist in the meeting, the election of Pradhan or Up-Pradhan shall be held by secret ballot in the following manner:—

- (i) If only one candidate for the office is proposed the officer presiding over the meeting shall declare such candidate elected for the office of Pradhan or Up-Pradhan as the case may be.
- (ii) If there are two or more candidates, the officer presiding over the meeting shall prepare a list of contesting candidates in Form IV, appended to these rules in alphabetical order in Hindi in devnagari script and shall allot one symbol according to the serial number in the list of contesting candidates, out of the approved symbols in accordance with the serial number of such symbol prescribed under rule 7. A copy of the list showing the names of

contesting candidates and the symbol allotted to each such candidate shall be displayed at the conspicuous place for the information of the Panches. The poll shall commence and close within the time which will be prescribed and announced by the officer presiding over the meeting. The voting shall be held by secret ballot and the ballot paper shall be of such design as prescribed by the Director of Elections (Local Bodies), Himachal Pradesh.

(iii) The procedure of voting at such election shall be as under:—

- (a) Before issuing the ballot papers to the members the officer presiding over the meeting shall put his signatures on the back of each ballot paper.
- (b) The members on receipt of the ballot paper shall enter the voting compartment and insert the ballot paper in the ballot box of the candidate to whom he wishes to vote. Outside each ballot box a poster containing the name of a candidate and his symbol shall be posted. In case of infirmity or blindness, the officer presiding over shall assist the voter. The officer presiding over the meeting may enter the voting compartment at any time if he doubts tampering of ballot boxes inside the voting compartment.

48. Counting of Votes of Election of Pradhan and Up-Pradhan.—(1) After the voting is completed, the officer presiding over the meeting shall cause to take out the ballot boxes from the voting compartment and after satisfying the candidates that the ballot boxes are intact shall count the votes found in the ballot box of each candidate. On completion of counting all the ballot boxes and of all candidates, the officer presiding over the meeting, shall compile the result and declare the candidate elected in whose favour the highest number of votes have been cast:

Provided that if equality of votes is found between the candidates, the officer heretofore referred in this chapter shall decide the election by lot.

(2) After the result is declared, the officer presiding over the meeting shall keep candidate-wise valid and rejected ballot papers relating to the election of Pradhan and Up-Pradhan in separate packets, outside which the full particulars of such documents shall be recorded and shall seal the packets with his seal. All other papers relating to the elections of Pradhan and Up-Pradhan shall also be kept in separate packets. The officer presiding over the meeting, shall, after completion of election, deliver all record relating to the elections of Pradhan and Up-Pradhan, to the Deputy Commissioner or any other person authorised by him in writing for this purpose.

49. Proceedings of the meeting.—After the elections of Pradhan or Up-Pradhan are completed, the officer presiding over the meeting shall record the proceedings in the register maintained by the Panchayat and shall sign the same. Such proceedings shall be countersigned by the Pradhan/Up-Pradhan. A copy of these proceedings shall also be sent to the Deputy Commissioner.

50. Publication of names of Pradhan and Up-Pradhan.—The Deputy Commissioner shall notify the names of Pradhan and Up-Pradhan as soon as he receives the proceedings of the meeting held for the purpose.

PART VI

GENERAL

51. Filling up of casual vacancies.—When a vacancy occurs among the elected members of a Gram Panchayat by death, resignation or removal and

a new member has to be elected in his place in accordance with the provisions of section 11 of the Act, such election shall be conducted in the manner as prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient, after the occurrence of the vacancy.

52. Maintenance of Law and Order.—The Deputy Commissioner shall make suitable arrangements and provide necessary security to maintain law and order at each polling station/place of counting. Such security staff provided at the polling station/place of counting shall act under the directions and control of the Presiding Officer/Returning Officer/Assistant Returning Officer. The Presiding Officer/Returning Officer/Assistant Returning Officer shall be responsible for the maintenance of law and order within the limits of the polling station/place of counting. Any person who creates any interruption during the polling/counting or misbehaves and does not abide by the directions of the Presiding Officer/Returning Officer/Assistant Returning Officer is liable for expulsion from such a place.

53. Prohibition of canvassing in or near Polling Stations.—No person shall, 12 hours before the commencement of the poll and during the polling hours on the date on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a radius of one hundred metres of the polling station:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

54. Superintendence, control and direction.—The Panchayat elections shall be conducted under the superintendence and control of the Director of Elections (Local Bodies), Himachal Pradesh. He shall issue directions in this behalf as he may consider appropriate. In case there is any doubt or dispute regarding interpretation of these rules, the decision of the Director of Elections (Local Bodies), Himachal Pradesh shall be final.

55. Requisitioning of premises, vehicles etc. for election purposes.—If it appears to the Deputy Commissioner that in connection with an election held within his jurisdiction:—

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes, police force for maintaining order during the conduct of such election or transport of any officer or other person for performance of any duties in connection with such election;

the Deputy Commissioner may by an order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning.

56. Custody, production and inspection of election papers.—(1) The Deputy Commissioner or any other officer authorised by him for this purpose

shall keep in safe custody the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected and all other papers relating to elections. While in the custody of the Deputy Commissioner or the person authorised by him:—

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers valid, rejected or tendered; and
- (c) the packets of marked copy of the electoral roll;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of the prescribed authority for election petitions.

(2) All other papers relating to the election shall be open to public inspection and any person may apply for such an inspection or supply of certified copy thereof on payment of a fee at the same rate as is charged in Himachal Pradesh for the inspection of documents forming part of a record of a case dealt with by a Revenue Officer or for supply of a copy of an order by a Revenue Officer, as the case may be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of a case dealt with by a Revenue Officer.

57. Preservation and disposal of election papers.—The packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected and all other papers relating to the elections shall be retained in safe custody until the expiry of one year from the date of publication of the result of election and thereafter be disposed of under the orders of Deputy Commissioner in such a manner as he may deem fit:

Provided that if an election petition is filed, the packets and other papers referred to in the rule shall not be destroyed unless the petition is finally disposed of.

PART VII

ELECTION PETITIONS

58. Presentation of election petition.—(1) The election petition under section 168 of the Act shall be presented to the Sub-Divisional Officer (Civil) under whose territorial jurisdiction the Sabha area is situated. The time limit for the presentation of an election petition under the aforesaid section shall be reckoned from the date of declaration of result under rule 17 or rule 42 or the date of notification under rule 50, as the case may be.

(2) The petitioner shall enclose with the petition copies of the petition and of its enclosures equal to the number of respondents.

(3) An intimation about the presentation of the petition shall be sent by the S.D.O. (C) to the Deputy Commissioner, immediately after the petition is presented.

59. Contents of election petition.—(1) The petitioner shall set forth in the petition all the grounds on which the election is challenged and such other particulars as have been laid down in section 169 of the Act.

(2) The affidavit referred to in the proviso to section 169 (1) of the Act shall be in Form X and shall be sworn before a Magistrate or Commissioner of oaths.

60. Security deposit to be made with the petition.—At the time of presenting an election petition, the petitioner shall deposit a sum of Rs. 100 as security

money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of the Sub-Divisional Officer (Civil) to whom the petition is presented or caused to be presented, in order to meet the cost that may become payable under section 182 of the Act.

61. Power to withdraw and transfer petitions.—The Deputy Commissioner may at any stage, in accordance with the procedure laid down in section 169 of the Act, withdraw or transfer any election petition pending before any Sub-Divisional Officer (Civil) to any other officer in his district, exercising the powers of Magistrate 1st Class, for trial.

62. Dismissal of petition.—(1) If the provisions of section 169 or section 170 of the Act and rule 58 or rule 59 have not been complied with, the Sub-Divisional Officer (Civil) shall pass an order dismissing the election petition and such orders shall be final:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

(2) A copy of the order dismissing the petition shall be sent to the Deputy Commissioner, immediately.

63. Withdrawal of petition.—(1) An election petition may be withdrawn by the petitioner only by leave of the Sub-Divisional Officer (Civil) to whom the petition has been presented.

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published by being posted at the office of the Sub-Divisional Officer (Civil) and at the Gram Panchayat office.

(3) No application for withdrawal shall be granted if in the opinion of the Sub-Divisional Officer (Civil), such application has been induced by any bargain or consideration which ought not to be allowed.

(4) If the application is granted—

(a) the petitioner shall where the application has been made to the Sub-Divisional Officer (Civil) be ordered to pay the costs of the respondent there-to-fore incurred or such portion thereof as the Sub-Divisional Officer (Civil) may think fit;

(b) notice of the withdrawal shall be published by being posted at the office of the Sub-Divisional Officer (Civil) and at the Gram Panchayat office; and

(c) the facts shall be reported to the Deputy Commissioner.

64. Place and procedure of enquiry.—(1) The place of enquiry shall be the headquarters of the Sub-Division within which the Sabha area is comprised:

Provided that the Sub-Divisional Officer (Civil) concerned may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where the enquiry into an election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of the hearing.

(4) Subject to the provisions of the Act and the rules, contained in this chapter, where an election petition has not been dismissed under section 170 of the Act or rule 62 every election petition be enquired into expeditiously in accordance with the procedure applicable under the Code of Civil Procedure, 1908, for the trial of suits.

65. Communication of orders of petition.—The Sub-Divisional Officer (Civil) concerned, shall, as soon as may be, after the conclusion of the trial of the election petition, send to the Deputy Commissioner, a copy of the decision under sections 179, 180, 181 and 182 of the Act.

66. Repeal.—The Himachal Pradesh Gram Panchayat (Elections) Rules, 1970, are hereby repealed:

Provided that any direction, given or order made or action taken under the rules so repealed shall be deemed to have been made under the corresponding provisions of these rules to the extent it is not inconsistent with these rules.

FORM I

NOTICE OF ELECTION PROGRAMME

[See rule 11(2)]

Notice is hereby given that:—

- (1) an election is to be held for electing one Panch from each of the constituencies of the Gram Sabhas shown in the Table given below item 2 hereinafter provided;
- (2) nomination paper may be delivered by a candidate or his proposer on any day (other than a public holiday) to the officer appointed as Returning Officer/Assistant Returning Officer and shown in the Table and at the place, date and time mentioned in the said Table given below:—

TABLE

.....(Block) in.....(Tehsil) of.....(District)

Serial No.	Name of Gram Sabha	Name or No. of the constituency	Officer before whom nomination papers may be presented	Place	Date(s)	Time
1	2	3	4	5	6	7

- (3) form of nomination paper may be obtained from the respective Gram Panchayat office or from the officer specified in column 4 and at the place and time specified in columns 5 and 7 of the Table above;

- (4) the nomination papers will be taken up for scrutiny by the officer specified in column 4 and at the place specified in column 5 of the Table above at.....(hours) on.....(date);
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer duly authorised in writing by the candidate for the purpose to the officer specified in column 4 and at the place specified in column 5 of the Table above upto.....(hours) on.....(date);
- (6) the symbol to the contesting candidates shall be allotted by the officer specified in column 4 of the Table above immediately after the expiry of time fixed for the withdrawal of candidatures and the list of contesting candidates will be affixed outside his office;
- (7) in the event of election being contested, the poll and counting of votes will take place in accordance with the programme given in the Table below. The poll will be taken between the hours of..... to.....

TABLE

.....(Block) in.....(Tehsil) of.....(District)

Serial No.	Name of Gram Sabha	Name or No. of the constituency	Date of poll	Place of counting	Date and time of counting
1	2	3	4	5	6

- (8) the result will be declared immediately after to completion of counting.

Place.....

Date.....

Deputy Commissioner.

FORM II

NOMINATION PAPER

[See rule 12(2)]

Election to the Gram Panchayat from.....(Constituency)
of.....(Gram Sabha).

I nominate as a candidate for election of a Panch to the above constituency: Candidate's name.....

Father's or Husband's name.....

Postal address

His name is entered at serial No.....in the electoral roll for
.....constituency.

My name is entered at serial No.....in the electoral roll for
.....constituency.

Date.....

Signature of proposer.

I,the above-mentioned candidate, assent to
this nomination and hereby declare that—

(a) I have completed.....years of age;

*(b) I further declare that I am a member of the.....caste/
tribe which is a Scheduled Caste or Scheduled Tribe of the State.

Date.....

Signature of candidate.

*Strike off if not appropriate.

(To be filled in by the Returning/Assistant Returning Officer)

Serial No. of nomination paper.....

This nomination paper was delivered to me at..... (place)
at.....(hours) on..... (date) by the
*candidate/proposer.

Date.....

Returning/Assistant Returning Officer.

*Score out the words not applicable.

(Decision of the Returning/Assistant Returning Officer accepting or reject-
ing the nomination papers)

I have examined this nomination paper in accordance with law and decide
as follows:—

Date.....

Returning/Assistant Returning Officer.

The nomination paper of the above candidate has neither been rejected nor
he has withdrawn his candidature and therefore:—

.....(Name of symbol)
is hereby allotted.

Date.....

Returning/Assistant Returning Officer.

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY
AND WITHDRAWAL

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from.....
constituency of.....Gram Sabha delivered to me at my
office at.....(hour) on.....(date) by the
*candidate/proposer. All nomination papers will be taken up for scrutiny at
.....(hour) on.....(date) at.....(place).

The candidature may be withdrawn upto.....(hour) on.....
(date). The symbol may be allotted immediately after the expiry of time fixed
for withdrawal.

Date.....

Returning/Assistant Returning Officer.

*Score out the word not applicable.

FORM III

NOTICE OF WITHDRAWAL

[See rule 15(1)]

Election to the Gram Panchayat from.....Constituency of
.....Gram Sabha

To

The Returning/Assistant Returning Officer,
.....
.....

I, a candidate nominated at the above election do
hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of candidate.

This notice was delivered to me at my office at.....(hour)
on.....(date) by the candidate/proposer as per authority
enclosed.

Returning/Assistant Returning Officer.

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the Notice)

The notice of withdrawal of candidature by(name)
a candidate at the election to the Gram Panchayat from
constituency of..... Gram Sabha was delivered to me by
the*at my office
at.....(hour) on.....(date).

Returning/Assistant Returning Officer,

.....
.....

*Here insert one of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.

FORM IV

LIST OF CONTESTING CANDIDATES

[See rule 16(1) and (3)]

Election to the Gram Panchayat from.....Constituency
of.....Gram Sabha.

Serial No.	Name of candidate	Address of candidate	Scheduled Caste/Tribe	Symbol allotted
1	2	3	4	5

Place.....
Date

Returning/Assistant Returning Officer,

.....
.....

FORM V

DECLARATION IN*UNCONTESTED/CONTESTED ELECTION

(See rule 17(42))

Declaration of the result of election to the Gram Panchayat from.....
Constituency of.....Gram Sabha.

In pursuance of the provisions contained in rule 17/42 of the Himachal Pradesh Gram Panchayat (Election) Rules, 1972, I declare that:—

.....(Name)

.....(Address)

has been duly elected to fill a seat in the Gram Panchayat from the above constituency of the above Gram Sabha.

3.

(Signature).....

Place..... Returning/Assistant Returning Officer,

Date.....

*Strike off which is inappropriate.

FORM VI

[See rules 20(3), 40(7) and 41(5)]

PART I—BALLOT PAPER ACCOUNT

Election to the Gram Panchayat from the.....Constituency
of.....Gram Sabha.

No. and name of polling station.....

	Serial numbers	Total numbers
1. Ballot papers received	..	
2. Ballot papers not used	..	
3. Ballot papers issued to voters	..	
4. Ballot papers cancelled—		
(a) "Spoilt"	..	
(b) "Returned"	..	

Date.....

.....

Signature of Presiding Officer.

PART II—RESULT OF COUNTING

Name of candidate	Number of Votes		
	Valid	Rejected	Total
1	2	3	4
1.			
2.			
3.			
4.			
etc.			
Total			

Date *Signature of the Returning/Assistant
Returning Officer.*

PART III—DECLARATION OF RESULT

I declare that—

.....(Name)

of.....(Address)

has been duly elected to fill the seat in the Gram Panchayat from
the above constituency of the above Gram Sabha.

Place

Returning/Assistant Returning Officer.

Date

FORM VII

FORM OF TENDERED BALLOT PAPER

[See rule 30(1)]

Election to the Gram Panchayat fromConstituency
of.....Gram Sabha.

No. and name of Polling Station.....

Name of elector.....

Number in electoral roll.....

Name of candidate for whom he wishes to vote.....

Date

Signature of the Presiding Officer.

FORM VIII
LIST OF TENDERED VOTES
 [See rule 30(2)]

Election to the Gram Panchayat from.....constituency
 of.....Gram Sabha.
 Number and name of Polling Station.....

Serial No.	Name of Elector	Address of Elector	No. in electoral roll	Serial No. of tendered ballot paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
etc.						

Date

Signature of Presiding Officer.

FORM IX
CHALLENGED VOTES LIST
 (See rule 31)

Election to the Gram Panchayat from.....constituency
 of.....Gram Sabha.

Serial No. of entry in the electoral roll	Name and address	Signature of voter, if literate or thumb impression of voter, if illiterate	Name of identifier, if any	Name of challenger	Order of Presiding Officer in each case
1	2	3	4	5	6
1.					
2.					
3.					
4.					
etc.					

Date.....

Signature of Presiding Officer.

FORM X

[See rule 59(2)]

I,.....the petitioner in the accompanying election petition calling in question the election of Shri/Shrimati..... from..... (Constituency) of.....(Gram Sabha respondent No.in the said petition) make solemn affirmation/oath and say—

- (a) that the statements made in paragraphs.....of the accompanying election petition about the commission of corrupt practice of.....and the particulars of such corrupt practice mentioned in paragraphs.....of the same petition and in paragraphs.....of the Schedule annexed thereto are true to my knowledge.
- (b) that the statements made in paragraphs.....of the said petition about the commission of the corrupt practice of*..... and the particulars of such corrupt practice given in paragraphsof the said petition and in paragraphsof the Schedule annexed thereto are true to my knowledge.

(c)

(d)

etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Shrimati..... at this.....day of.....197 .

Before me

*Magistrate of the 1st Class/Commissioner
of Oaths.*

*Here specify the name of the corrupt practice.

By order,
L. TOCHHAWNG,
Secretary (Elections).

